

Examiner-Initiated Interview Summary	Application No.	Applicant(s)	
	10/758,365	KARAHALIOS, DEAN G.	
	Examiner	Art Unit	
	Annette R. Reimers	3733	

All Participants:

(1) Annette R. Reimers.

(2) Dustin Johnson, reg.# 47,684.

Status of Application: Non-Final

(3) _____

(4) _____

Date of Interview: 9 February 2007
Time: _____

Type of Interview:

- ☒ Telephonic
☐ Video Conference
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☐ No
 If Yes, provide a brief description:

Part I.

Rejection(s) discussed:

Claims discussed:

1, 12 and 15

Prior art documents discussed:

Paponneau et al. (US Patent Number 7,156,874) and Rabbe et al. (US Patent Number 5,702,453)

Part II.


SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

See Continuation Sheet

Part III.

- ☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.


 (Examiner/SPE Signature)


 EDUARDO C. ROBERT
 ADVISORY PATENT EXAMINER

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: Examiner contacted Mr. Johnson, applicant's representative, on Tuesday, February 06, 2007, to discuss current amendments to the claims. Examiner stated that the negative limitation of the tubular body/biologic strut and the cleat assemblies being free of interfacing threads found in independent claims 1, 12 and 15 was considered new matter that had not been disclosed in the specification. Examiner suggested deleting the negative limitation and incorporating claim 2 into independent claim 1 and claim 19 into independent claim 15 to place these sets of claims in condition for allowance. Examiner also suggested cancelling or amending independent claim 12. Mr. Johnson stated that he would review the Rabbe et al. and Paponneau references and discuss examiner's suggestions with applicant. Mr. Johnson contacted examiner on Friday, February 09, 2007. Mr. Johnson agreed to delete the negative limitation and to incorporate claim 2 into independent claim 1 and claim 19 into independent claim 15. Mr. Johnson also suggested amending independent claim 12 as follows: the negative limitation has been deleted and "wherein prior to interposition between the two vertebral endplates, the biologic strut is slidably passed through the hollow bores in each of the cleat assemblies and wherein the spikes on each outer end wall are directed away from each other and extend toward opposite ends of the biologic strut without extending past the opposite ends of the biologic strut" has been added after axial direction.